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February 5, 1999

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FEB - 5 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**BY HAND**

Secretary  
Federal Communications Commission  
The Portals  
Room TW-A306  
445 Twelfth Street, S.W.  
Washington, DC 20554

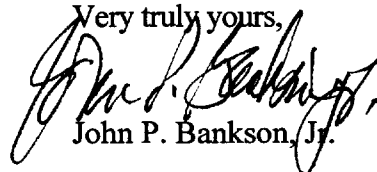
In re: CC Docket No. 91-142

Dear Ms. Salas:

We are filing the original and 14 copies of a Joint Notice of Dismissal of Pleadings in the captioned docket.

Please stamp as received the additional copy and return it to our courier.

Very truly yours,

  
John P. Bankson, Jr.

JPB/jb

Enclosures

No. of Copies rec'd  
List A B C D E

0414

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**RECEIVED**

**FEB - 5 1999**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

In re Applications of	) CC DOCKET NO. 91-142
	)
JAYBAR COMMUNICATIONS	) File No. 10042-CL-P-323-A-88
	)
For facilities in the Domestic Public Cellular	)
Telecommunications Radio Service on Frequency	)
Block A, in Market 232, Arizona 6-Graham	)
	)
DATA CELLULAR SYSTEMS	) File No. 10029-CL-P-345-A-88
	)
For facilities in the Domestic Public Cellular	)
Telecommunications Radio Service on Frequency	)
Block A, in Market 345, California 10-Sierra	)
	)
CELLULAR PACIFIC	) File No. 10031-CL-P-346-A-88
	)
For facilities in the Domestic Public Cellular	)
Telecommunications Radio Service on Frequency	)
Block A, in Market 346, California 11-El Dorado	)
	)
NORTH AMERICAN CELLULAR	) File No. 10066-CL-P-388-A-88
	)
For facilities in the Domestic Public Cellular	)
Telecommunications Radio Service on Frequency	)
Block A, in Market 388, Idaho 1-Boundary	)
	)
ALEE CELLULAR COMMUNICATIONS	) File No. 10074-CL-P-555-A-88
	)
For facilities in the Domestic Public Cellular	)
Telecommunications Radio Service on Frequency	)
Block A, in Market 555, New Mexico 3-Catron	)
	)
To: The Commission	

**JOINT NOTICE OF DISMISSAL OF PLEADINGS**

Jaybar Communications, L.L.C. (formerly Jaybar Communications) (Jaybar) and Alee Cellular Communications (Alee), by their attorneys, file this Joint Notice of Dismissal of Pleadings in the above-captioned proceeding (the Consolidated Proceeding). Specifically, Jaybar

and Alee are dismissing with prejudice the July 16, 1997, Opposition to Petition for Reconsideration filed by Thomas Domencich, Committee for a Fair Lottery, et al. (Petitioners).

Alee is also dismissing its Reply to the Opposition and Partial Opposition filed July 28, 1997, to the extent it replies to Petitioners' July 16, 1997, Opposition which is being dismissed. Alee is not dismissing its Petition for Partial Reconsideration filed July 3, 1997, nor its aforementioned Reply to the extent that it includes matters not in response to Petitioners' Opposition.

Jaybar and Alee are taking these actions pursuant to settlement agreements. Concurrently herewith, parties to these settlements are submitting a Joint Notice of Settlement Agreements and Request for Rulings. Petitioners are submitting a separate Joint Motion for Rulings Regarding Settlement Agreements or, in the Alternative, for Approval and Partial Waiver. These submissions contain complete copies of the settlement agreements and declarations of the parties in support thereof.

The settlements contemplate that pleadings directed against Alee and Jaybar also will be dismissed. Thus, the settlements contemplate the cessation of all litigation by and among the Petitioners and the other parties to the Consolidated Proceeding.

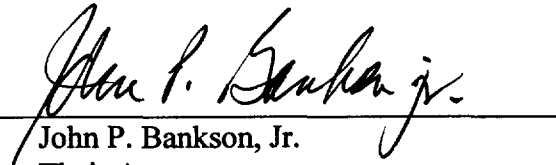
Kindly refer any questions about this Joint Notice to the undersigned.

Respectfully submitted,

DRINKER BIDDLE & REATH LLP  
Suite 900  
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(202) 842-8806

ALEE CELLULAR COMMUNICATIONS  
JAYBAR COMMUNICATIONS, L.L.C.

By: \_\_\_\_\_

  
John P. Bankson, Jr.  
Their Attorney

February 5, 1999

### Certificate of Service

I, Josefina C. Barberena, hereby certify that on February 5, 1999, a copy of the foregoing Joint Notice of Dismissal of Pleadings was served by first class U.S. mail, postage prepaid, upon:

\*Chairman William E. Kennard  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W., Room 8-B201  
Washington, DC 20554

\*Commissioner Harold Furchtgott-Roth  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W., Room 8-A302  
Washington, DC 20554

\*Commissioner Susan Ness  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W., Room 8-B115  
Washington, DC 20554

\*Commissioner Michael K. Powell  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W., Room 8-A204  
Washington, DC 20554

\*Commissioner Gloria Tristani  
Federal Communications Commission  
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Wireless Telecommunications Bureau  
Federal Communications Commission  
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Washington, DC 20006

Courtesy copies of the foregoing Joint Notice of Dismissal of Pleadings were sent via U.S. first class mail, postage prepaid, to A. Thomas Carroccio, Esquire, Harry F. Cole, Esquire, and William J. Franklin, Esquire, who are not parties of record in CC Docket No. 91-142.

  
Josefina C. Barberena